JULII 4. 1642.

THE DECLARATION OF THE LORDS AND COMMONS Assembled in PARLIAMENT.

OR,

Five severall passages of State, viz.

1. *His MAIESTIES Commission of Array.*
2. *His Proclamation upon the same.*
3. *His Majesties Letter to the County of* Leycester.
4. *The Declaration of both Houses of Parliament concerning the said Commission of Array and His Majesties Proclamation.*

Lastly, divers Acts and Statutes thereunto annexed.

Whereby it appeares that the said Commission is not warranted by any Act of Parliament: That it is contrary to the Lawes and Customes of the Realme, destructive to the Liberty and Property of the Subj. & contrary to the Petition of Right, and the Statute made this present Parliament.

Veneris 1. *Julii.* 1642.

ORdered by the Lords in Parliament, That these five severall particulars shall be forthwith Printed and published.

Io. Brown Cleric. Parliamentorum.

LONDON,
Printed for *Iohn Houses* and *Iohn Wright.* 1642.

The Copy of the Commiſsion of *Array* ſent to *Leyceſter-Shire.*

AROLUS Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ rex fidei defenſor, &c. Chariſſimis conſanguineis noſtris *Hen.* Com. *Huntington* & *Willielmo* Com. *Devon.* nec non dilectis & fidelibus noſtris *Hen. Haſtingi* Armigero filio dicti Com. *Huntington*, *Hen. Berkley*, *Georgio Villiers*, *Thomæ Burton*, Barronett. *Hen. Skipwith*, *Johanni Skeffington* & *Richardo Halford* militibus & Barronettis, *Wolſtan. Dixey*, *Richardo Roberts*, *Iohanni Bale*, *Thomæ Hartop*, *Eraſmo de la Fountayn* & *Willmo. Iones* militibus, *Hen. Haſtings* de *Humberſton*, *Georgio Aſhby* & *Iohanni Pate* Armigeris ac vic. noſtro Com. noſtr. Leiceſtr. pro tempore exiſtente ſalutem. Sciatis quod nos malitiæ inimicorum noſtrorum ſi regnum noſtrum Angliæ invadere preſumpſerint (quod abſit) gratia nobis favente divina reſiſtere ac pro ſalvatione & defenſione noſtri ac regni prædicti & ligeorum noſtrorum ejuſdem diſponere & ordinare volentes ut tenemur Aſſignavimus vos vel aliquos tres vel plures veſtrum ad arrayand. & triand. omnes & ſingulos homines ad arma ac homines armatos & ſagittarios in Com. præd. commorantes, infra libertates & extra, ad armari faciend. omnes illos qui de corpore ſunt potentes & habiles ad armand. qui de ſuo proprio habent unde ſeipſos armare poſſunt, *viz.* quilibet eorum juxta ſtatum & facultates ſuas & ad aſſidend. & apportionand. juxta adviſamentum & diſcretiones veſtras aut aliquorum trium vel plurium veſtrum ac etiam ad diſtringend. omnes illos qui in terris & bonis ſunt potentes & pro debilitate corporum ad laborandum impotentes ad inveniend. juxta quantitatem terrarum & bonorum ſuorum & pro ut rationabiliter portare poterunt (ſalvo ſtatu ſuo) armatur. hominibus ad arma & hominibus armatis ac arcus & ſagittas ita quod illi qui morabuntur ſeu morari poterunt ad domum ſuum proprium in patria ſua ſuper defenſione ejuſdem regni contra inimicos noſtros

ſtros ſi periculum eveniat non capiant vadia nec expenſas pro mora ſua apud domos ſuas prædict. Et ad dictos homines ad arma ac homines armatos & ſagittarios ſic arraiatos & munitos continue in arraitione ut in millenis vintenis & vicenis & alias prout coveniens fuerit & neceſſe teneri & poni faciend. Aſſignavimus autem vos aut aliquos tres vel plures veſtrum quorum te præfatum *Henr.* Com. *Huntington* & in abſentia tua te præfat. *Williel.* Com. *Devon.* vel te præfat. *Hen. Haſtings* filium prædicti Com. *Hunting.* unū eſſe volumos ad dictos homines ad arma ac homines armatos & ſagittarios ſic araiat. & munit. tā ad Coſterā maris quā alia loca ubi ac quoties neceſſe fuerit ad dictos inimicos noſtros expellend. debelland. deſtruend. de tēpore in tempus cum aliquod periculum immineat. mandand. & injungend. Aſſignavimus etiam vos aut aliquos tres vel plures veſtrum ad mouſtrum ſive mouſtrationem eorundem hominum ad arma ac hominum armatorum & ſagittariorum de tempore in tempus quoties indiguerit diligenter faciend. & ſupervidend. Ac etiam ad proclamand. ordinand. & diligenter examinand. quod omnes & ſinguli hujuſmodi homines ad arma ac homines armati & ſagittarii in mouſtris hujuſmodi armatur. ſuis propriis & non alienis arment. ſub pœna amiſſionis eorundem Exceptis duntaxat illis qui ad expenſ. aliorum amari debent ut prædictum eſt & ad omnes & ſingulos quos in hac parte inveneritis contrarios ſeu rebelles areſtand & capiend. & eos in priſonis noſtris cōmittend. in eiſdem moraturis quouſque ſecundum legem inde deliberati fuerint & deo vōbis diſtrictius quo poſſumus ſuper fide & Ligeantia quibus nobis tenemini injungemus & mandamus quod ſtatim viſis præſentibus vos ipſos melius & ſecurius quo poteritis arraiari & parari & coram vobis ad certos dies & loca quos videritis magis competentes & expedientes & pro populo noſtro minus damnoſos omnes homines in patria commorātes per quos arraiatio & munitio melius fieri & cōpleri poterunt venire & vocari fac. & eos arrairi armari & munire & eos ſic araiatos & munitos in araiatione hujuſmodi teneri faciatis & inſuper ſigna vocat (Beakins) poni faciatis in lo-

cis consuetis per quæ gentes patriæ de adventu inimicorum nostrorum poterunt congruis temporibus præmuniri Et eosdem homines sic arraiatos & munitos cum periculum minueret in defensionē Regi ac patriæ præd. de tempore in tempus tam ad Costeram Maris quam alia loca ubi magis necesse fuerit duci faciatis vel aliqui tres aut plures vestrum quorum te præfat. *Hen.* Com. *Hunting.* & in absentia tua te præfat. *Willum* Com *Devon.* vel te præfat. *Hen. Hastings* filium præd. Com. *Huntington* unum esse volumus ducifaciant ut prædictum est ita quod pro defectu defensionis arraiationis sive ductionis dictorū hominū vel per negligentiam vestram damna patriæ prædict. per inimicos nostros amodo non eveniat ullo modo pro posse vestro Damus autē universis & singulis Cōitibus Baronibus militibus Majoribus Ballivis Constabulariis Ministris & aliis fidelibus & ligeis nostris Com. præd. (tam infra libertates, quam extra) tenore præsentiū firmiter in mandat quod vobis & cuilibet vestrum in omnibus & singulis præmissis faciend, & explend, intendentes sint, consulantes & auxiliantes. Et tibi præfat. vic. quod ad certos dies & loca quos ad hoc vos vel aliqui tres vel plures vestrū ut prædictū est ordinaveritis venire faciatis coram vobis vel hujusmodi tribus vel plur. vestrū (ut prædictum est) omnes illos in Com. præd. per quos, arraiatio, assessio & ordinatio melius poterit fieri & compleri & illos quos pro rebellione sua capi & arrestari contigerit in prisona nostra custod. sicut prædictum est, In cujus rei testimonium has præsentes literas nostras fieri fecimus Patentes, Teste meipso undecimo die Junii Anno regni nostri decimo octavo *Per ipsum Regem.* *Willis.*

Die Sabbathi 18 Junii. 1642.

Resolved upon the Question by the Lords and Commons assembled in Parliament.

THat this *Commission of Array for* Leycester *is against law, and against the liberty and property of the Subject.*

Die Lunæ 20 Junii. 1642.

Resolved upon the Question, &c.

THat *all those that are Actors in the putting of the Commission of Array in execution, shall be esteemed as disturbers of the peace of the Kingdome, and betrayers of the liberty of the Subject*

By

By the KING.

WHereas by the Laws of this Land, the Ordering and governing of the *Militia* of the Kingdom, for the preventing and ſuppreſſion of all Invaſions and Rebellions, hath (as a moſt known and undoubted right and prerogative) belonged in all times ſolely to Our ſelfe and Our Progenitors, Kings of *England*. And accordingly we have heretofore awarded Commiſſions of Lieutenancy into the ſeverall Counties of this Our Realm, for the governing and exerciſing of the Souldiory and Trained Bands there, like as Queene *Elizabeth* and Our deare Father, both of happy memory had done before Us. And therin (amongſt other things) gave power to the Commiſſioners in each County, to Levy, call together, Arm, Arm, Train, and Muſter Our Subjects inhabiting in the ſaid ſeverall Counties, and to conduct and lead them againſt all Our Enemies, and all Rebels and Traitors from time to time as often as need ſhall require.

All which Commiſſions (although We did ſince the beginning of this Parliament, grant the like for the County of *Yorke*, to the now Earle of *Eſſex*, with the privity of both Our Houſes of Parliament, and without exception from either) have, without hearing any of Our Councell learned, been ſince Voted in Our ſaid Houſes of Parliament to be illegall and void; the reaſon whereof We have not yet beene informed of, nor can imagine: For that neither any illegall Clauſe (if any ſuch be) in thoſe Commiſſions, nor any exceſſe or abuſe of their Authority, by any Lieutenants or their Deputies, in raiſing of monys, taxing of the inhabitants, or otherwiſe could, by Law, make void any ſuch Powers as in themſelves were lawfull to be granted and put in execution.

And whereas, in caſe of danger and neceſſity it had beene more ſuteable to the condition of the times, and the good liking of Our Subjects (who cannot

cannot be well pleaſed with any new wayes, how ſpecious ſoever) that Our Houſes of Parliament ſhould have taken Order that Our Commiſſions of Lieutenancy (the courſe whereof had ſo long continued) ſhould, for the preſent, have been put in execution, at leaſtwiſe ſuch part thereof as was undeniably and unqueſtionably legall, and was ſufficient for the purpoſes before mentioned, or that (according to the like preſidents in former times) they would have deſired Us to have granted new Commiſſions of that nature, omitting ſuch Clauſes as might juſtly have beene excepted againſt, which We would not have denied; and not to have called in ſo ſuddenly for thoſe Commiſſions to be cancelled, as was done (though we know not by what Law) in Our Houſe of Peers. Yet notwithſtanding, Our two Houſes of Parliament, in ſtead of ſuch Our Commiſſions, under pretence of evident and imminent danger, and urgent and inevitable neceſſity of putting Our Subjects into a poſture of Defence, have made a late Order for the ſetling of the *Militia*, under the name of an Ordinance (which two or three ſeverall times had beene refuſed by the Major part of Peeres) and being made, not onely without, but againſt Our conſent (the reaſons whereof are ſufficiently know to all Our Subjects) is not onely without any one warrantable preſident of former times (as We believe) but (as we are well aſſured) void in Law.

Wherefore, out of care which We have of Our people, leſt under the pretence of danger, neceſſity, and want of Authority from Us to put them into a Military Poſture, they ſhould be drawne and ingaged in any Oppoſition againſt Us or Our juſt Authority; and that they may know they are by Us otherwiſe provided for, and ſecured againſt all juſt cauſes of Fears and Dangers from any Force in a legall way (for We are reſolved to rule and govern Our Subjects according to Our known Lawes only) We have thought fit, for the preſent, hereby thus timely to publiſh and declare, That We have awarded into the ſeverall Counties of Our Kingdome of *England* and Dominion of *Wales*, Our ſeverall Commiſſions of Array, thereby giving power to ſeverall perſons of Honour, Reputation, and eſtate in the ſaid Counties, for the ſafety and defence of Us, Our Kingdome, and Our good Subjects from time to time, as it ſhall be needfull *to Array, Train, Arm, and Muſter, Our Subjects inhabiting* in the ſaid Counties, and in caſe of imminent danger, to conduct and lead them for the deſtruction of Our Enemies, and in the defence of their Countrey and the Kingdom.

Which power of granting Commiſſions for the defence of Us and our Kingdome, as it is inherent in Us, and inſeparable from Our Crown, ſo it hath been warranted by preſidents of the like Commiſſions in all ages, both before

fore and ſince the grant of the great Charter by King *Henry* the third, down to the very time that Commiſſions of Lieutenancy were granted, and was agreed to be legall even by the two learned Judges, Sir *George Crooke*, and Sir *Richard Hutton* (amongſt all the reſt) in their Argoments, which concluded on the Subjects part in Our Exchequer-Chamber in Maſter *Hampdens* Caſe, as by the ſame (now ſince printed) may appear, *together with divers particular Records in ſeverall Ages therein mentioned, to which many more may be added.*

And in theſe Our Commiſſions, to prevent all manner of Exception, We have, in the powers given to Our Commiſſioners, in all points followed that Commiſſion of Array, which was agreed upon by the King and both Houſes of Parliament, after conference with the Judges of the Realm, in the fifth yeere of King *Henry* the fourth, and was done upon the deſire of the Commons to have ſome alterations from former Commiſſions in certain overſtrict Clauſes, whereunto nevertheleſſe no exception was taken for the legality, *but the Kings aſſent acknowledged as an act of great Grace, as appeareth by the Parliament Rolls of that yeere.* Since which time Commiſſions of Array have frequently iſſued for prevention of danger, either of Enemies abroad or at home (in both which reſpects Our Houſes of Parliament have voted this Kingdome to be in danger) the ſame being indeed the old ordinary way for the preſervation of the King and Kingdome, who muſt not delay their preparation till ſuch danger breake forth into action, and ſo perhaps prove too late. And theſe Commiſſions of Array were not diſcontinued, till by reaſon of the Commiſſions of Lieutenancy (which in ſubſtance contained the powers given by thoſe Commiſſions of Array) they came to be of little uſe.

And, whereas by the *Statute of the fourth and fifth yeeres of the Reigne of Philip and Mary King and Queene of England*, it is enacted, That if any perſon or perſons that ſhall be commanded generally or ſpecially to Muſter afore any ſuch as ſhall have Authority or Commandment for the ſame, by, or from the King, or by any Lieutenant, Warden, or other perſon or perſons authoriſed for the ſame, do willingly abſent him or themſelves from the ſame Muſters, having no true and reaſonable excuſe of Sickneſſe, or other lawfull impediment, or at their appearance at ſuch Muſters, do not bring with them ſuch their beſt Furniture, or Array and Armor, as he or they ſhall then have for his or their own perſon in readineſſe, that ſuch perſon or perſons ſhall, for every ſuch default and offence, incur ſuch penalties, and to be inflicted in ſuch manner as *by the ſaid Statute are limited.* Which Statute is in full force.

We

We doe therefore, by this Our Proclamation, *expresly charge and command all our Sheriffs*, Justices of Peace, Majors, Bailiffs, Constables, and al other Our Officers, and other Our loving Subjects of Our severall Counties of *England*, and Dominion of *Wales* respectively, That they be attending, aiding, assisting, counselling, and at the commandement of the said Commissioners of Our severall Counties respectively in the execution of their Commissions, as they will answer the contrary at their utmost perils.

And although VVe can nothing doubt that any of Our loving Subjects shall or will oppose or hinder Our said Commissioners in the Execution of their said Commissions, by putting in Execution any Power touching the *Militia*, not warranted by Our Authority, or otherwise disturbing Our said Commissioners in Execution of Our Service, considering the extreame danger wherein such Act may, upon the severall Circumstances, by the strict construction of the Law involve them: Yet, lest any ill-affected persons, too far presuming upon Our Clemency, and in hope of impunity or pardon, should dare to offend Us, and Our Laws, contrary to this Our Proclamation; VVe doe hereby declare to all Our Subjects, That whosoever shall, after this Our Proclamation published, doe any thing in opposition of Our Commissioners, by disobeying their Commands, according to Law, or putting in Execution any other Command concerning the *Militia* of Our Kingdome, contrary to Law, VVe shall account them unworthy of Our Grace and Mercy, and such as must expect, that Justice (how penall or capitall soever it be) shall be done upon them according to their demerits.

Given at Our Court at Yorke *the twentieth day of Iune, in the eighteenth Yeere of Our Reigne*, 1642.

The Copy of the KINGS Letter, ſent with the Commiſſion of ARRAY, to *Liecester-ſhire*.

Charles Rex.

Right truſty and Right well-beloved Cozins, and right truſty and wel-beloved, we greet you well. Whereas it hath beene declared by the Votes of both Houſes of Parliament the 15. of *March* laſt, that the Kingdome hath beene of late, and ſtill is in ſo evident and imenent danger, both from enemy abroade, and a popiſh diſcontented party at home, that there is an vrgent and inevetable neceſsity of putting our Subjects into a poſture of defence, for ſafegard both of our perſon and people. And that ſithence divers inhabitants of divers Counties have addreſſed their petitions to that purpoſe, and whereas a ſmall number of both Houſes (after it had bin rejected by the *Lords* in a full Houſe, and without our Legall aſſent, or the opinion of the Iudges, concerning the Legality hereof, have attempted by way of ordinance, to put in execution the power of the Militia of the Kingdome, and to diſpoſſeſſe many of our ancient Nobility of the Command and truſt repoſed in them by Vs, and have nominated divers others who have no intereſt in, nor lieu neare to ſome of the Counties, to which they are Nominated for the Lieutenancy, whereby they cannot be properly ſerviceable to the Counties wherewith they are intruſted, nor our people receive that content and ſecurity which we deſire they ſhould to ſubmit to the execution of which power by the way of ordinance without it were reduced into a law by Act of Parliament eſtabliſhed by our Royall aſſent were to introduce and expoſe our ſubjects to a meer arbitrary government, which by Gods grace we ſhall never permit, we therefore conſidering that by the Lawes of the Realme, it belongeth ſolely to Vs, to order and governe the Militia of the Kingdom, have thereupon by our Proclamation of the 27 of *May*, laſt, prohibited all manner of Perſons whatſoever, upon their Allegiance, to muſter, levy, or ſummon, upon any warrant, order or Ordinance, from any, or both Houſes of

Parliament, whereunto we have not, or ſhall not give our expreſſe conſent, any of the trained Bands or other Officers, without expreſſe warrant under our hands, or warrant from Our Sheriff of the County, grounded upon a particular writ to that purpoſe under our great Seal, and conſidering that in ancient time the Militia of the Kingdome was ever diſpoſed of by Commiſſioners of Array and that by a particular ſtatute upon record in the Tower, made in the 5 yeare of Henry the 4. by full conſent of the Prelates, Earles, Barons, and Commons, and at their ſuit, and by the advice and opinion of the Judges then had: ſuch Commiſſioners were mittigated, in reſpect of ſome clauſes perilous to the Commiſſioners, and approved of for the time to come, and that by the ſubſequent Records, it appeares that all our Royall Predeceſſors, have continually exerciſed that power by ſuch Commiſſioners, til of late time they have been diſcontinued by the grants of particular Commiſſioners of Lieutenancy, both differing in ſubſtance from the ſaid Commiſsions of Array, againſt which it ſeemes the houſes have taken ſome exception; and though we are no way ſatisfied of the illegality of them, our Councell being never heard in the defence thereof, yet being willing to avoyd all exceptions at preſent, we have thought fit to refer it to that ancient legall way of diſpoſing the power of the Militia, by ſuch Commiſsions of Array, for defence of Us, our Kingdome, and our Country; Authorizing you, or any three or more of you, to aarry and traine our people, and to apportion and aſſeſſe ſuch perſons as have eſtates, and are not able to beare Armes, to find Armes for other men, in a reaſonable and moderate proportion, and to conduce them ſo arrayed, as well to the Coaſts as other places, for the oppoſition and diſtruction of our Enemies in caſe of danger, as to your diſcretions or any three or more of you ſhall ſeeme meet. Whereof you *Henry* Earle of *Huntington*, and in yout abſence, *William* Earle of *Devonſhire*, or *Henry Haſtings* Eſquire, to be one, and being both confident in a great meaſure, of the loyall affections of our people, and very tender to bring any unneceſſary burthen or charge upon them, by augmenting the number of the trained bonds. We do for the preſent onely require that you forthwith cauſe to be muſtred and trained, all the antient trained bands, and freehold bands of the County carefully, ſeeing that they be ſupplyed with able and ſufficient per

ſons, and compleatly armed, unleſſe you find that there be juſt cauſe, and that it ſhall be with the good liking of the Inhabitants, for their owne better ſecurity, to make any increaſe of their numbers, and over ſuch bands to appoynt and ſet ſuch Colonels, Captaines, and Officers, as you ſhall thinke moſt fit for the diſcharge of that ſervice, being ſuch perſons as have conſiderable intereſſe in the County, and not ſtrangers.

And in caſe of any oppoſition you are to raiſe the power of the County to ſuppreſſe it and to commit all ſuch perſons as ſhall be found rebellious herein in to the cuſtody of our Sheriffe whoſe care and aſſiſtance we eſpecially require. And that he ſhall from time to time Iſſue forth ſuch warrants for the aſſembling of our people at ſuch times and places as by you ſhall be agreed on according to the truſt repoſed in him by our ſaid Commiſſion and we have authoriſed you our Commiſſioners or any three of you after ſuch Array made from time to time to, traine and take muſters of our ſaid Bands, and to provide Beacons and other neceſſaries, for the better exerciſing of our people and diſcovery of ſudden invaſions and commotions: of all which your proceedings herein we expect a ſpeedy and plenary account, according to the truſt repoſed in you, and authority given you by our Commiſſion on that behalfe.

Given at our Court at Yorke the 12 *day of June in the eighteenth yeare of our Raigne.* 1642.

THE DECLARATION OF Both Houſes of PARLIAMENT, Concerning The Commiſſion of ARRAY.

WHereas information hath bin given to the Lords and Commons aſſembled in Parliament, that a Commiſſion hath lately iſſued out, under the Great Seale of England, directed to the Earle of *Huntington*, and *Devonſhire*, *Henry Haſtings* Eſquire, and others, commanding them to array all men within the County of *Leyceſter*, according to their eſtates and abilities, and to charge them with Armes, at the diſcretion of the Commiſſioners, or any three of them, and to diſtreine all thoſe that are able, either in Lands, or goods, to find Armes, and ſuch as by reaſon of impotency are not able to ſerve in Perſon to find men at Armes, according to the quantity of their Lands, and goods, and all ſuch perſons ſo arrayed and armed, to cauſe to be trayned and exerciſed, at the pleaſure of the ſaid Commiſſioners, or any three of them, and the perſons ſo arrayed, to draw to the coaſts of the Sea, or elſewhere, and ſuch as ſhall oppoſe or contradict the ſame Commiſſion, to commit to priſon, and there to detaine them, untill they ſhall be delivered by Law.

And the ſaid Lords and Commons are further informed, that together

together with the said Commission, a Letter under his Maiesties hand was directed to the said Commissioners, declaring the Legality of the said Commission to be grounded upon a Statute made in the 5th *H.* 4. not Printed, with further instructions to the said Commissioners, for putting the same Commission forthwith in execution; and that diverse Proclamations did issue forth, endeavouring to justifie the legality of the Commission, the tenours of which Commission, letter, proclamation, and statute, the said Lords and Commons have caused to be annexed hereunto.

The said Lords and Commons are much agrieved, and do think it strange, that his Majesty being still misled by the suggestions of evill Councellors, after so many declarations and solemne protestations made to his Parliament, and people, of his resolution to rule and governe by the Lawes of the Land, and to keep and maintaine the same: And after so many Declarations made by both Houses of Parliament of their Loyalty & fidelity to his Majesty, & of their faithfull endeavours for the preservation of his Majesties Honour and safty, and for the welfare, peace and happinesse of this Realme, should now be drawne to issue out such a Commission, so contrary to the Lawes, and so full of danger and inconveniency to all his Majesties subiects, which if admitted, will be a heavier Yoake of bondage upon the people, then that of Ship-money, or any other illegall charge, which hath bin taken away this Parliament.

And for that it is pretended that the said Commission is warranted by the said Act of Parliament made in the fifth year of King Henry the fourth; The Lords and Commons have taken the same into consideration, and find that the said Act of Parliament is no ground to warrant that Commission or any other Commission of that nature: And for the more cleere manifestation of the truth thereof, they have caused that Act as it is entred upon the record to be herewith printed, and to declare the reasons of their resolutions herein. By the preample of that statute it doth appeare that the sole end thereof was to put out some clauses and words inserted in the Commission that were grievous and dangerous for the Commissioners as appeares by these words in the beginning *viz.* For the many forfeitures and divers other clauses and words comprised in the same which were very grevious and hurtfull for the Commissioners named in the same Commission in diverse

Counties of England, &c. And these words in the latter end, And that none of the said Commissioners, their heires, Executors, or Tenants, by reason of any forfeitures, or penalties, or any other things comprited, be, or hereafter be any wayes molested, grieved and ammaged, or impeached in any time to come, &c. And the clauses that were cancelled, and put out of the said Commission, were onely such as concerned the Commissioners, which appeares by comparing the Commission corrected by the Commons with the Commission that then was issued out, which is entred upon the Patent, *Rol.* 5. *H.* 4. *P.* 1. *M.* 28. *Dorso*, of which the Commons had a Copy delivered unto them, and the clauses conteined in the Copy delivered them, and cancelled by them, were these, *scilicet Et ad nos, & Concilium nostrum, de numero huiusmodi hominum ad arma, & hominum Armatorum, & sagittariorum, nec non de toto facto vestro in hac parte, sub sigillis vestris, vel alicuius vestrum, citra Oct. ab. Sancti Hillarii, proxime futurum, distincte & aperte certificand. sub forisfactur. omnium quæ nobis forisfacere poteritis, & prout vosipsi respondere volueritis, de dampnis & periculis, si quæ per vestri defect. & negligentiam (quod absit) eveniant.* Then in the conclusion, *Scientes pro certo, quod si periculum, vel dampnum, Regno nostro prædicto in partibus illis, per inimicos nostros, pro defectu arrai. & defensionis, & ductionis huiusmodi extunc, (quod absit) evenerit defectum & periculum huiusmodi vobis & negligentiæ vestræ, volumus & debemus reputare, & penitus assignare.* And their prayer in conclusion was, that thereafter no Commission of Array might issue out otherwise, nor in other words then were contained in the said Coppie. And that the Commissioners, their Heires, or Tenents might not be molested or troubled: so that it is to be observed, the Commons did not desire any amendment or declaration, as to the power of the execution of the Commission, which surely did most concerne them, and the Kingdome.

5. *H.* 4. 1. *M.* 28. *dorso.*

But touching that they very well knew, that by the Law of the Kingdome and divers Acts of Parliament then in force, no such power could be exercised over them. For the Statute of *Winchester*, made the 13. *E.* 1. then in force did declare the certaine proportion of Armes every man was to have according to his estate, in Lands or Goods; and the times and how often their Armes were to be viewed, and by whom, and in what manner their defaults were to be punished. The Statute it selfe followeth

Stat. 13. *E.* 1.

in

in these words viz.

And further it is commanded, that every man have in his house Harnesse to keepe the peace after the ancient Assize, that is to say, every man betwixt fifteene yeares of age, and forty yeares, shalbe assessed and sworn to Armour, according to the quantity of their Lands and Goods; that is to wit, from 15. l. Lands and Goods forty markes, that is to wit, an Hawberke, a Brest-plate of Iron, a Sword, a Knife, and an Horse. And from 10. l. of Lands, and 20. markes of Goods, a Hawberke, a Brest-plate of Iron, a Sword, and a Knife. And from 5. l. Lands, a Doublet, a Brest-pleate of Iron, a Sword, and a Knife. And from forty shillings Land and more, unto five pounds of Land, a Sword, a Bow and Arrowes, and a Knife. And he that hath lesse then forty shillings yearely, shall be sworne to keepe Gysarmes, Knives, and other lesse weapons. And he that hath lesse then twenty markes in Goods, shall have Swords, Knives, and other lesse weapons, and all other that way shall have Bowes and Arrowes out of the Forrest, and in the Forrest, Bowes, and Bolts. And that view of Armour be made every yeare two times, and in all hundreds and franchises, two Constables shall be chosen to make the view of Armour, and the Constables aforesaid, shall be present before Justices, assigned for such default as they doe see in the Country about Amour, and of the suits of Towns and of high-wayes; and also shal present all such as doe lodge strangers in uplandish Townes, for whom they will not answer, and the Justices shall present also at every Parliament unto the King, such defaults as they have found, and the King shall provide remedy therein. And from henceforth let Sheriffes take good heed, and Bayliffes within their franchises and without, bee they higher or lower, that have any Bayliwicke, Forrestry in fee, or otherwise, that they shall follow the Cry with the Country, & after as they are bounden, to keep Horses and Armors so to do. And if there be any that doe not, the defaults shall be presented to the Justices assigned, and after by them to the King, as before is sayed, and the King shall provide remedy. And the Statue made in the first yeare of *E.* 3. *Cap.* 5. Stat. *M.* 29. which followeth in these words. *Item*, the King willeth that no man from henceforth shal be charged to arme himself, other wise then he was wont in the time of his Progenitors, Kings of *England*. And that no man bee compelled to goe out of his Shire but where necessity requireth, and

Stat. M. 1. E. 3. Cap. 5. in the Statut. Rowl. 1. E. 3. M. 29.

and ſuddain comming of ſtrange enemies, into the Realme, and then it ſhall be done as hath bin uſed in times paſt for defence of the Realm, declares the Law to the ſame effect with the forme: for here its declared, no man can be charged with Arme, other wiſe then as in time of the Kings Progenitors, or compelled to goe out of his Country, but in caſe of actuall invaſion. And to the ſame eff. & is the Statute made, 25. E. 3. *Cap.* 8. which followeth in theſe words, *ſcem*, It is accorded and aſſented, that no man ſhall be conſtrained to find men of Arms, Hoblers, or Archers, other then thoſe which hold by ſuch ſervices, if it be not by common aſſent or grant made in Parliament, for that is contrary to the Law of the Realm. And by another Act of Parliament made 4. *H.* 4. *Cap.* 13. the former Acts of 1. *E.* 3. and 25. *E.* 3. are all confirmed, as may appeare by the Statute, taken out of the Parliament Rowle it ſelfe, becauſe that the Printed Booke doth not fully recite it, which followeth in theſe words, *viz.*

Stat. 25. *E.* 3. *Cap.* 8. Entred in the Parliament Rols 25. E. 3. *N.* 23.

Stat. 4. *H.* 4. *cap.* 13. *Rot. Parlia.* 4. *H.* 4. *N.* 56

To the thrice Excellent, thrice Renowned, and thrice gracious Soveraigne, our Lord the King; we your poore Commons pray, that the Statute made in the firſt yeare of the raigne of the noble King *Edw.* your Grandfather, conteining that none ſhall be diſtrained to goe out of their Counties, but onely for the cauſe of neceſſity, of ſuddain comming of ſtrange enemies into the Realm, & the Statute made in the 18 year of the raigne of the ſaid Grandfather, that men of Armes, Hoblers, and Archers, choſen to goe in the *Kings* ſervice out of *England*, ſhalbe at the *Kings* wages from the day they do depart out of the Counties where they were choſen. And alſo the Statute made in the 25. yeare of the raigne of the ſaid Grandfather, that none be compelled to find men of Armes, Hoblers, nor Archers, other then thoſe which hold by ſuch ſervices, unleſſe it be by common aſſent and grant made in Parliament, ſhall be firmely holden and kept in all poynts ſafe, without being brok in any maner; & that none of us the ſaid Commons be diſtrained to go into *Wales* or elſewhere out of the Realm, contrary to the forme of the Statutes aforeſaid. And that all the Commiſſions and writs made contrary to the ſaid Statutes, and all the indictments and accuſations, obligations, and Tyes, made by colour of the ſaid Commiſſions or writs with all their dependencies & circumſtances thereof, may be revoaked, cancelled, quaſhed, and diſannulled for ever, as things made againſt the Law, and that they may not be taken for an example in time to come.

And

And if any of your Liege people bee imprisoned, by force of the said Indictments or Accusations, that they be presently delivered and the said Indictments held voyd. The King consenteth to this Law with this, that alwaies by force or colour of the said supplication, nor of any Statute thereuppon to be made, the Lords nor any other that have Lands or Possessions in the Country of *Wales*, or in the Marches thereof, shall in no wise bee excused of their service and devoiers due of their said Lands and Possessions, nor of any other devoier or things whereto they or any of them bee especially bound to our said Lord the King, though that the same Lords and others have other Lands and possessions within the Realme of *England*, nor that the Lords or other of what estate or condition soever they bee that hold by Escuage, or other services due to the King any Lands and possessions within the said Realme, bee no wise excused to doe the services and devoiers due of the said Lands and possessions, nor that the Lords, Knights, Esquires, nor other persons of what estate or condition they bee which hold, and have of the grant or Confirmation of our said Lord the King, Lands, Possessions, Fees, Annuites, Pensions, or other yearely profits, bee not excused to doe their services, to our Lord the KING in such manner as they are bound by cause of the Lands, Possesions, Fees, Annuities, Pensions, or profits aforesaid; So that the Statutes before mentioned were all confirmed by the PARLIAMENT held not full one yeare before this Statute of 5. *Hen.* 4. and by these Acts it clearely appeareth that the King could not by the Law give power to impose Armes upon the Subjects at pleasure, or to compell them to bee drawne out of their Counties.

And therefore the Commons of the PARLIAMENT of 5. *H.* 4 many whereof very probably served in the immediate PARLIAMENT before, when the Statutes aforesaid was confirmed, knew very

well that the Commiſſion of Array then preſented unto them could not binde them that had the Law and ſtrength of ſo many Acts of *PARLIAMENT* to protect them; But becauſe the former Acts of *PARLIAMENT* did provide remedy onely for the perſons that were to bee commanded, and not for the Commiſſioners that were to put thoſe Commands in execution, upon very great paines. The Commons for the Indempnity of thoſe perſons, who under colour of thoſe Commands might probably bee troubled and vexed by Fines or Impriſonments, thought it neceſſary to ſecure them as well as themſelves, and therefore prayed that the penall Clauſes touching the Commiſſioners might bee put out, And though many Commiſſions of Array did afterwards iſſue forth in the times of *H.* 4. *Henry* 5. and *H.* 6. yet did not any iſſue out agreeable in words and manner with that corrected Commiſſion as may appeare by the Patent Rolls of thoſe times, and the very next Commiſſion that iſſued out after 5. *H.* 4. which was in time 6. *H.* 4. and is entred upon the Patent Roll 6. *H.* 4. *M.* 15. *Dorſo*, did not agree either in words or matter with that of 5. *H.* 4. and moſt of the Commiſſions that afterwards iſſued vary from that, even in ſubſtance, and ſurely had it beene conceived in thoſe times that the forme of the Commiſſion agreed upon 5. *H.* 4. and there entered had beene by that *PARLIAMENT* enacted, they would not have iſſued out ſo many Commiſſions, eſpecially in 6. *H.* 4. being the next immediate yeare, of different words and different matters which clearely made them voyd, by that Statute of 5. *H.* 4. for the Statute doth ordaine that no Commiſſion of Array ſhould then after iſſue out otherwiſe, or in other words then the Coppy agreed upon, whereby all Commiſſions in other words or other

6. H. Ro. Pat. M. 15. Dorſo.

other manner iſſued would bee voyd and not warranted, by that Law had it enacted that Commiſſion; and that the Law then was that no perſon could bee compelled to furniſh and provide Armes and Horſes, and goe out of his County otherwiſe then is declared by the afore recited Acts of *PARLIAMENT*, doth not onely appeare by thoſe Statutes but by ſeverall Acts of Parliament made after 5. *H.* 4. The Statute made in the 4. and 5. yeare of *Ph.* and *M.* *Cap.* 2. repeales all former Statutes concerning the finding of Armes, and all penalties and forfeitures touching the ſame, and by that Act ſetled the proportions of Men, Horſes, and Armes that every man was to finde according to the value of their reſpective eſtates, and ſets downe the penalties and forfeitures of ſuch as ſhould diſobey; And this Law continued in force untill the firſt yeare of King *Iames*, but by a Statute made that yeare, *Cap.* 25. the laſt mentioned Statute of 4. and 5, *Ph.* and *M.* (probably becauſe of the great proportion of armes it did impoſe) was repealed, and by that repeale the former Statute of 13. *E.* 1. was againe revived, for that the Statute of 4. and 5. *Ph.* and *M.* that had repealed that Law, was repealed, and afterwards in the *PARLIAMENT* 21. *Iac.* *Cap.* 28. the Statute of 13. *E.* 1. *Cap.* 6. and of 33. *H.* 8. *Cap.* 5. were both of them repealed, and then admitting the Commiſſion of Array, as to finding of armes *juxta ſtatum & facultates*, to bee eſtabliſhed by 5. *H.* 4. which might have ſome colour to bee legall, as to that part for finding of armes grounded upon the Statute of 13. *E.* 1. for that Statute which then was in force did enact the finding of armes, *juxta ſtatum & facultates* in manner as there is expreſſed, yet when that Statute of 13. *E.* 1. is repealed, then that Commiſſion is likewiſe repealed and become unwarrantable.

4. & 5. P. & M. C. 2.

Stat. 1. Iac. Cap. 25.

Stat. 21. Iac. Cap. 28.

Now it is not probable that the Parliament of the firſt of King *Iames* would have repealed the Statute of 4. and 5. *Ph.* and *M.* and that of the 21. yeare of King *Iames* would repeale the Statutes of 13. *E.* 1, and 33. *H.* 8. which in a moderate manner did proportion the Armes; every man was to find in certainty, And ſuffer an Act of Parliament to continue, that did eſtabliſh a power in the King without limitation, not onely to impoſe Armes, but to command the perſons of the Subject at pleaſure; for ſuch is the power of the Commiſſion of Array; And they had ſhewed very little care of their owne, and the Subjects libery in the Parliament, of the firſt yeare of King *Iames*, to repeale the Statute of the fourth and fifth of *Philip* and *Mary*, that had repealed all former Statutes, Penalties, and Forfeitures, touching finding of Armes, whereby (without queſtion) the Commiſſion of Array (admitting it to be eſtabliſhed by Parliament) was repealed: And thereby to revive the power of that Commiſſion. which would have ſubjected the people to farre greater Bondage: And ſurely had the Commiſsion of Array been Authorized by Act of Parliament, whereby power is given to charge all ſorts of men without diſtinction with Armes at the diſcretion of the Commiſsioners, without limitation, and to traine and exerciſe at pleaſure without reſtraint, either of time or place.

Stat. 4. & 5. P. & M. Cap. 3.

It was to little purpoſe to make the Statute of 4. and 5. *Ph.* and *M. Cap.* 3. whereby the penalty of ten dayes impriſonment, or the payment of fortie Shillings is impoſed upon ſuch as doe not appeare at Muſters, being ſummoned thereunto by the Kings Commiſsioners, authorized for that purpoſe: And the Commiſsions of Lord Lieutenants, and Deputy Lieutenants, ſo grievous to the People, and declared

declared illegall in Parliament, had not beene ſo often iſſued, and ſo much preſſed upon them: If the Commiſsion of Array, not much differing from it in power, and not at all leſſe grievous to the Subject might by the warrant and authority of the Laws of the Realme, have ſupplyed their Roome.

But if all that hath beene ſaid had beene omitted, the illegality of this Commiſsion is ſufficiently cleared by two Statutes made in the Kings Majeſties Reigne that now is; the one being the Petition of Right, confirmed this Parliament, and the other Enacted this preſent Parliament. For in the Petition of Right, the Lords and Commons doe (amongſt other things) ſet forth, that by the good Lawes and Statutes of this Realme, the Subjects have inherited this freedome, That they ſhould not be compelled to contribute to any Taxe, Tallage, Ayd, or other like Charge, not ſet by common conſent in Parliament, then they complayne; that divers charges have been layd and levyed upon the people in ſeverall Ceunties by Lord Lieutenants, Deputy Lieutenants, Commiſſioners for Muſters, Juſtices of Peace, and others by Command and Directions from his Majeſty or his Privy Councell, againſt the Lawes and free Cuſtomes of the Realme, ſo that the Law there declared was, That none could be compelled to contribute to any Taxe, Tallage, Ayd, or other like Charge but by conſent in Parliament. The breach of that Law to be, for that divers charges were layd upon the people by Lords Lieutenants Commiſſioners for Muſters, and others by command or Directions from his Majeſty; which comprehends the caſe in queſtion: For here is a Taxe or charge impoſed upon the people, by compelling them to finde Armes. This Charge is impoſed by Command and Directions from His MAIESTIE, for it

Petition of Right. 3. Car.

it is by Commiſsion under the great Seale, and all this without the conſent of the Lords and Commons in Parliament, ſo within the words of the Petition of Right. And it is very well knowne, and it doth ſufficiently appeare, that the charges there mentioned, to be layed by Lords Lieutenants, and Deputy Lieutenants; where the charging of the Subjects with Armes againſt Law, by colour of their Commiſsion from his Majeſty. The other Statute, made this Parliament, entituled, *An Act for the better raiſing and leavying of Souldiers for the preſent Defence of the Kingdomes of* England *and* Ireland: In the Preamble declares in theſe words, *viz.* Whereas by the Lawes of this Realme, None of his Majeſties Subjects ought to be impreſſed, or compelled to goe out of his Countie, to ſerve as a Souldier in the Warres, except in caſe of neceſsity, of the ſudden comming in of ſtrange enemies into the Kingdome; or except they be otherwiſe bound by the Tenure of their Lands or poſſeſsions.

And that this Commiſsion is directly contrary to this Declaration, is ſo evident, that it requireth no Application: So that upon the whole matter, the State of the caſe in queſtion ſtands thus.

By divers Acts of Parliament, made in the times of King *Edw.* the firſt, King *Edw.* the third, and confirmed by a Statute in the fourth yeare of *Henry* the fourth, the Subject was not compellable to finde any other Armes than was declared by thoſe Statutes, or to goe out of their County, but in caſe of actuall invaſion by forraigne enemyes. And by an expreſſe clauſe of the ſaid Statute of Confirmation, none of the people were to bee diſtrained to go into *Wales*, or elſewhere againſt the forme of the ſaid Statutes. And that all the Commiſsions, and Writs made contrary to the ſaid Statutes, and all Indictments,

dictments, Accuſations, Bonds, and things done by colour of the ſaid Commiſſions, or Writs with all their dependancies and circumſtances ſhould bee revoked, Cancelled, quaſhed, and made voyd for ever, as things done againſt the Law, and that they ſhould not be drawne in example in time to come.

Then in October following divers Commiſſions, expreſly contrary to thoſe Statutes iſſued out to ſeveral Counties of this Realme, in Hillary Tearme next following that *October*. Another Parliament was called, and then a Coppy of that Commiſſion was delivered to the Commons who complayned onely of divers dangerous clauſes conteyned in the ſame that concerned the Commiſſioners, for whom no proviſion at all was made by any the former Acts of Parliament and thoſe clauſes onely put out by the Commons, who deſire that no Commiſſion thereafter ſhould iſſue out otherwiſe or in other words then are contained in the ſaid Copie. But take no further care of themſelves, knowing very well, that as to the power of charging them with Armes, Trayning, and exerciſing of them, and commanding them out of their Counties the ſame was ſufficiently provided for the Parliament before beeing, all within the compaſſe of a yeare, for that Parliament was ſummoned in Michaelmas. 4: H. 4. And it is to bee obſerved that the Commiſſion of Array awarded before that Parliament was at or about the very time the Kingdome was invaded by Forreigne enemies. The FRENCH having aſſaulted the Iſle of Weight and burned Plimmoth; and the Scots having entred the North Parts of this Kingdome, which probably was the reaſon the Commons did not Complaine againſt the iſſuing of that Commiſſion, but as they doe not complain ſo doe they not give it any eſtabliſhment by *PARLIAMENT*.

And the Law thus continued untill 4. and 5. *Ph.* and *M.* Which repeales all Statutes touching the finding of armes

Armes. and provides for it in a ſpeciall manner.

Then that Statute of *P.* and *M.* was repealed. 1. *Iac.* whereby all the former Lawes were againe revived, then the Statutes of 13. *E.* 1. and 33. *H.* 8. were repealed by 21. *Iac.* So that the pretence of the legalitie of the ſaid Commiſſions endeavoured to bee juſtified by the afore-mentioned Proclamation doth now appeare vaine and unwarrantable.

And though by the ſaid Proclamation it is alleadged that the power of graunting ſuch Commiſſions for the defence of the King and Kingdome is inherent to the Crowne and warranted by Preſidents of the like Commiſſions in all ages both before and ſince *MAGNA CHARTA*, The penner of that Proclamation muſt produce thoſe Preſidents, and make void divers Acts of *PARLIAMENT* heerein before cyted, that prove the contrary, or ſurely hee cannot expect to bee beleeved,

Rot. Alm. 13. *E* 3 *M.* 8. 15. 16. *Dorſ.*

It is true, ſome Preſidents hee may produce of Commiſſions of Array, before 5. *H.* 4. For divers iſſued out in divers Kings raignes, and for the moſt part they were warranted by particuler Acts of PARLIAMENT. For 13. *E.* 3. It appeareth by the *Almain.* Roll. *M.* 8. 15. That divers Commiſſions of Array did iſſue; but 16. *Dorſ.* Thoſe Commiſſions were warranted by an Act of Parliament made that yeare for that purpoſe as appeares by the Parliament Roll. 13. *E.* 3. *Pars* 2, *N.* 39. And the next yeare after divers Commiſſions of the like nature did iſſue forth and a ſpeciall Act of Parliament to warrant the ſame, as appeareth by the Parliament Roll. 14. *E.* 3. *Pars* 2, *N.* 36. *and* 41. And in the Roll of *Scotland* 14. *E.* 3. *N.* 6. 22. 47. 50. 53. 54. *and* 14. *E.* 3. 3. *M.* 2. *Dorſ.* But how farre this may warrant the legality of the Commiſſion in queſtion let the world judge.

Rot. Parl 13 *E* 3. 1. 2. *N.* 39.

Rot Parl 14. *E.* 3. *Par* 2. *N.* 36 41.

47 50. 53. 54. 14 *E.* 3. *M.* 2. *Dorſ.*

Rot. Scotie. 14. 3. *N.* 6. 22.

Neither

Neither can he find any opinion of Sir *George Crook*, or Sir *Richard Hutton* in their Arguments of Maſter *Hampdens* Caſe, to prove the legality of the Commiſſion in queſtion: & it is much wondered how the Penner of that Proclamation can warrant that Commiſſion by the Statute of the 4 and 5 of *Ph.* and *Ma. cap.* 3. or where in that Statute he findes any power to compell men againſt their will to provide Armes to Traine and Muſter at pleaſure, to be commanded out of their Counties, and to be impriſoned during pleaſure. It is true, by that Statute it is ordained, That if any perſon that ſhall be commanded to Muſter before any perſon authorized for the ſame by Commiſſion from the King, doe abſent himſelfe, or doe not bring with him his beſt Furniture or Array as he then ſhall have in readineſſe, he ſhall bee impriſoned for 10 dayes, or pay 40 s. but the power to charge him with Armes, or to command to Exerciſe and Traine, or to impriſon him for diſobedience during pleaſure; the Penner of that Proclamation muſt find ſome where elſe; for he cannot finde it in that Statute. Upon all which it followeth, that the Commiſſion of Array now lately iſſued forth, is not warranted by any Act of Parliament, is contrary to the Law and Cuſtomes of the Realme; deſtructive to the liberty and property of the Subject, contrary to the Petition of Right, and the ſaid Statute made this preſent Parliament.

Rotulus Parliamenti tent: apud Westmonasterium in crastino Sancti *Hillarii*, Anno Regni Regis *Henrici* quarti, post conquestum quinto.

Touchant la Commssion. de Laraie 24.

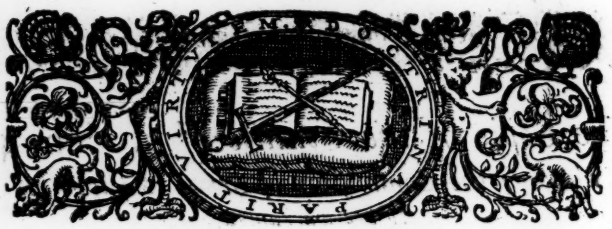
ITem : Touchant la Commission de Larraie, pur les plusours forfaitures, & autres diverses clauses & paroles comprises en ycell, qo. feurent trop grevouses damageouses, & perillouses pur les Commissioners nomez en m̄ la Commission es diverses Countees Dengleterre ; dont la copy feust liveree as ditz Com̄s pur eut estre advisez, & de le corriger solonc̄ leur entenc̄ons. Mesmes les Com̄s eue sur ceo deliberation & advys, firent cancellet̄ certenis clausis & parols comprisez en ycelle, & prierent au Roy que desore enavant nul Commission de Larraie isseroyt autrement, ne autr̄s parols q̄ nest contenuz en la dic̄e copy ; & q̄ des ditz Commissioners, lur Heires Executors ou Terre-tenants per cause daucuns forfaitures ou peynes, ou aucuns autr̄s choses comprisez en la dic̄ Commission ; soyt ou soient desore aucunement molestez, grevez, endamagez, ou empesches en aucun temps advenir : Quel prier nr̄e dit̄ Sñr le Roy de Ladvis de Sñrs eue sur communication ouesque les Judges du Royalme, molt graciousment ottroia en Parliament̄ : de quel copie le tenure sensute en cestes paroles.

The

The Copie of the Statute of 5. Hen. 4. *whereby the Commiſsion of Array is ſuppoſed to bee warranted.*

Item: Touching the commiſſion of Array, for the many forfeitures, and divers other clauſes and words compriſed in the ſame, which were grievous, hurtfull, and dangerous for the Commiſſioners named in the ſame Commiſſion, in divers Counties of England; the Copie wherof was delivered to the ſaid Commons to be thereupon adviſed, and to correct it according to their intentions: The ſaid Commons having had deliberation and adv[illegible] upon it, cauſed certaine clauſes and words comp[illegible]d in the ſame to be cancelled; and prayed the K[illegible] that hereafter no Commiſſion of Array iſſue out [illegible]rwiſe, nor in other words then are contained in the ſaid Copie; and that none of the ſaid Commiſſioners, their Heires, Executors, or Tenants, by reaſon of any forfeitures, or penalties, or any other things comprized in the ſaid Commiſſion; be, or hereafter be any wayes moleſted, grieved, endamaged, or impeached in any time to come: Which prayer our ſaid Lord the King, by the advice of the Lords, having hereupon communication with the Judges of the Kingdome, moſt graciouſly granted in Parliament: of which Copie the tenor followeth in theſe words.

Touching the Commiſſion of Array 14.



Rex, &c.

Dilectis & fidelibus ſuis Thomæ Sackvill, Johanni Caſtellon, Johanni Reynes, Johanni Teringham, Richardo Darches, Willielmo Molyns, Johanni Boys, Edmundo Hampden, Simoni Darches, Rogero Dayrell, Rogero Chynæ, Edmundo Brudenell, Johanni Barton Seniori, & Richardo Wyott, at vic' noſtro Buck. ſalutem. Sciatis, quod cum quidem inimici noſtri, Regnum noſtrum Angliæ, cum poſſe non modico preſentibus, trenguis non obſtantibus jam tarde hoſtiliter ingreſſi fuerint; & in diverſis partibus ejuſdem Regni combuſſerint. Nos malitiæ hujuſmodi inimicorum noſtrorum, ſi regnum noſtrum prædic' iterato invadere preſumpſerint, quod abſit gratia nobis favente divina reſiſtere, ac pro ſalvatione & defenſione noſtri, ac Regni prædicti, & ligeorum noſtrorum ejuſdem diſponere & ordinare volentes, ut tenemur. Aſſignavimus vos conjunctim & diviſim ad arraiandum & triandum omnes & ſingulos homines ad arma, ac homines armatos, & Sagitarios in Com. prædict. commorantes infra libertates, & extra; & ad armari faciendum

omnes

omnes illos qui de corpore ſunt potentes & habiles ad armandum, qui de ſuo proprio habent, unde ſeipſos armare poſſunt: videlicet, quilibet eorum juxta ſtatum & facultates ſuas, & ad aſſidendum, & apporciand', juxta aviſament', & diſcretiones veſtras; ac etiam ad diſtringend' omnes illos qui in terris, & bonis ſunt potentes; & pro debilitate corporum, ad laborandum impotentes, ad inveniendum juxta quantitatem terrarum, & bonorum ſuorum, & prout rationabiliter portare poterunt, Salvo ſtatu ſuo armaturas hominibus, ad arma & hominibus armatis, ac arcus & ſagittas: ita quod illi quo morabuntur, ſeu morari poterunt, ad domum ſuam propriam in patria ſua, ſuper defenſionem ejuſdem Regni, contra inimicos noſtras (ſi periculum eveniat) non capiant, Vadia nec expenſas pro mora ſua apud domus ſuas præd. & addictos homines ad arma ac homines armatos & Sagitarios ſic arraiatos & munitos, continue in arraiatione, ut in millenis, centen. & vintenis & alias prout conveniens fuerit & neceſſe teneri & poni faciend' & eos tam ad coſteram Maris quam alia loca ubi & quociens neceſſe fuerit, ad dictos inimicos noſtros expellend' debelland, & deſtruend' de tempore in tempus cum aliq. periculum immineat, mandand' & injungend' & ad mouſtrum ſive ad mouſtrationem eorundem hom. ad arma ac hominſi armatorum, ac Sagittar. de tempore in tempus quotiens indiguerit diligenter faciend' & ſuper vident', ac etiam ad Proclamand. ordinand' & diligenter examinand' quod omnes & ſinguli hujuſmodi homines ad arma & homines armati & Sagittarii in mouſtris hujuſmodi armaturis, ſuis propriis, & non alienis armentur, ſub pœna amiſſionis eorund', exceptis dun-

taxat illis qui ad expensas aliorum armari debent, Ut prædict' est: & ad omnes & singulos quos in hac parte inveneritis contrarios seu rebelles, arrestand' & capiend' & eos in prisonis nostris committend' in eisdem moratur' quousque pro eorum punicione aliter duxerimus ordinand': Et ideo vobis & cuilibet vestrum destrictus quo possumus super fide & ligeancia quibus nobis tenemini injungimus & mandamus quod statim visis presentibus, vos ipsos melius & securius quo poteritis arraiari & parari, & coram Uobis ad certos dies & loca quos videritis magis competentes & expedientes, & pro populo nostro minus dampnosos omnes homines in Patria commorantes per quos arraiacio & munitio hujusmodi melius fieri & compleri poterunt venire & vocare fac', & eos arraiari, armari & muniri, & eos sic arraiatos & munitos, in arraiacione, hujusmodi teneri fac'. Et insuper signa vocata Bekyns poni fac' in locis consuetis per que gentes p[illegible]de adventu inimicorum nostr'. Poterunt congru[illegible] poribus premuniri, & eosdem homines sic' arraia[illegible] & munitos cum periculum munierit in defensione Regni & patrie prædictorum de tempore in tempus, Tam ad costeram Maris, quam alia loca ubi magis necesse fuerit, duci fac'. Ita quod pro defectu defensionis arraiacionis, sive ductionis dictorum hominum, vel per negligentiam vestram Dampna Patrie prædic' per inimicos nostros amodo non eveniant ullo modo pro posse vestro. Damus autem Universis, & singulis Comitibus, Baronibus, Militibus, Majoribus, Ballivis, Constabulariis, Ministris, Et alliis fidelibus & ligeis nostris Com' præd' tam infra libertates quam extra, tenore

præ-

præſentium firmiter in mandatis quod vobis & cuilibet veſtrum in omnibus & ſingulis præmiſſis faciend' & explend' intendentes ſint conſulentes & auxilientes: & tibi præfat' vic' quod ad certos dies & loca quos ad hoc ordinaveritis venire fac' coram vobis omnes illos in Com. præd' per quos arraiacio, aſſeſſio & ordinatio melius poterunt fieri & compleri, & illos quos pro Rebellione ſua capi & arreſtari contigerit, in priſona noſtra cuſtodia ſicut prædictum eſt. In cujus rei &c. *T. R.* apud Weſtmon. xx. Die Octobris.

FINIS.